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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,511

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Oliver Schreyer

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT

PAPER NUMBER

2131

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/566,511

Applicant(s)

SCHREYER ET AL.

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendment of 22 August 2007 is noted and made of record.
2. Claims 1-6 have been presented for examination.

### ***Response to Arguments***

3. The new abstract submitted with the amendment of 22 August 2007 obviates the objection made to the previous Office Action.
4. The Examiner takes note of the Applicant's choice not to include section headings in the Specification, and as such the objection is withdrawn.
5. Applicant's arguments with respect to the 35 U.S.C. 112, 2<sup>nd</sup> rejection of claims 1-6 have been considered but are moot in view of the new grounds of rejection.
6. Applicant's arguments regarding the prior art rejection with respect to claims 1-4 and 6 have been considered but are moot in view of the new grounds of rejection.
7. Applicant's arguments regarding claim 5 fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.
8. See further rejections that follow.

### ***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention. Regarding claims 1, 3, and 6, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0176611 to Dong, hereinafter Dong.

13. As per claim 1, Dong teaches a network apparatus for communicating with a network and comprising:

a biometry module for detecting biometrical data of a user (Figures 1 [blocks 26], 2 [block 40], 3 [block 68], paragraph 0013, i.e. fingerprint scanner receiving data representing a scanned fingerprint);

said biometrical data of a user also being supplied to said network (paragraph 0017, i.e. a user may submit the fingerprint or fingerprint-based address information to web server);  
a configuration module directly coupled to said biometry module which is adapted to determine an unambiguous network identifier (paragraphs 0012, 0014, i.e. generating or formulating an IP address from the user's fingerprint) and/or an unambiguous initial key from biometrical data provided by the biometry module for the encrypted communication, such as particularly in the configuration phase, with a second apparatus. The Applicant's use of the "and/or" requires that the prior art teach the unambiguous network identifier, the unambiguous initial key from biometric data, or both. Since Dong discloses a method for generating an unambiguous identifier

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(i.e. an IP address) from biometric data, the limitations of claim 1 are met. Examples of generating a key from biometric data can be found in U.S. Patent No. 7,185,199 to Balfanz et al.

14. Regarding claim 3, Dong teaches that the communication with the second apparatus takes place in a wireless or wired way, such as via a power supply mains (paragraphs 0013, 0015, i.e. communicating using wireless or wireline devices to various home appliances).

15. As per claim 5, Dong teaches a method of assigning a network apparatus to a network, wherein biometrical data of a user are supplied to the network (paragraph 0017, i.e. a user may submit the fingerprint or fingerprint-based address information to web server) and are also supplied to and detected by the apparatus (Figures 1 [blocks 26], 2 [block 40], 3 [block 68], paragraph 0013, i.e. fingerprint scanner receiving data representing a scanned fingerprint) and an unambiguous network identifier is derived therefrom (paragraphs 0012, 0014, i.e. generating or formulating an IP address from the user's fingerprint), which identifier is used and known in the network from previous and/or simultaneous inputs of the same biometrical data (Figures 2 [block 38], 3 [blocks 66, 78], paragraph 0016, i.e. fingerprint files contain the fingerprints of its service subscribers or the IP addresses based on the fingerprints).

***Claim Rejections - 35 USC § 103***

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

17. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dong in view of U.S. Patent Application Publication No. 2004/0111625 to Duffy et al., hereinafter Duffy.

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18. Regarding claim 2, Dong does not teach eliminating the biometrical data of a user after their use by the configuration module.

19. Duffy teaches eliminating the biometrical data of a user after their use by the configuration module (paragraphs 0044, 0103).

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to eliminate the biometric data after it has created the key, since one of ordinary skill would recognize that eliminating the biometric data after it has created the key or identifier would prevent a hacker or unauthorized user from duplicating the identifier or key if the system were ever compromised.

21. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dong in view of U.S. Patent No. 5,802,199 to Pare, Jr. et al., hereinafter Pare.

22. Regarding claim 4, Dong does not teach that the configuration module is adapted to manage a list of biometrical data and/or data derived from said list for different users of an authorized user group.

23. Pare teaches managing a master user biometric database that contains the biometric samples of all users registered with the identification system (Abstract, column 3, lines 46-66)

24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the configuration module adapted to manage a list of biometrical data and/or data derived from said list for different users of an authorized user group, since Pare states at column 3, lines 33-43 that managing users using a master database provides for an easy, non-obtrusive way of obtaining biometric data and storing it in a cost-effective manner.

25. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,185,199 to Balfanz, hereinafter Balfanz, in view of Dong.

26. As per claim 6, Balfanz teaches a method of configuring a communication connection between a network apparatus and a network (column 1, lines 34-35, column 2, lines 62-64, i.e. securing communications over a communication medium), wherein biometrical data of a user are supplied to and detected by the apparatus (Figure 2 [block 208], column 1, lines 60-67, i.e. fingerprint sensor or any one or more known developed biometric devices) and an unambiguous initial key is derived therefrom (column 5, line 64-66, i.e. the biometric information is used to generate keys), which initial key is known in the network from previous and/or simultaneous inputs of the same biometrical data and is used for a secure communication, such as in the configuration phase (column 6, line 51 to column 7, line 14, i.e. storing membership information).

27. Balfanz does not teach wherein biometrical data of a user are supplied to the network.

28. Dong teaches wherein the biometric data, specifically fingerprint data, is supplied to the network (paragraph 0017, i.e. a user may submit the fingerprint or fingerprint-based address information to web server).

29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to supply the biometric data to the network, since Dong states at paragraph 0017 that by transmitting the biometric information over the network it allows the other network device to verify the user using the biometric information prior to granting access to various resources, such as home appliances.

*Conclusion*

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

31. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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34. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian LaForgia  
Patent Examiner  
Art Unit 2131

A handwritten signature in black ink, appearing to read 'C. LaForgia', with a long horizontal flourish extending to the right.

clf